

REMARKS:

**Status of claims and amendments**

Claims 1 and 3-9 are pending in the application. In the Office Action dated November 21, 2006, the Examiner:

1. objected to claims 3-8 for various informalities;
2. rejected claims 1 and 3-9 under 35 U.S.C. 102(b) as being anticipated by Kentaro, or alternatively under 35 U.S.C. 103(a) as being unpatentable over Kentaro in view of Gaetano; and
3. rejected claim 9 under 35 U.S.C. 102(b) as being anticipated by Mencarelli.

In this amendment, claims 3 and 7 have been amended to overcome the objections. Claim 9 has been canceled to expedite prosecution. No new matter is added.

**The §102(b) rejection: claim 1**

In the rejection of claim 1, the Examiner referred to Kentaro as allegedly teaching “a lever 26...causing the pedal arm 20 to rotate...by torque transferred from the lever 26” and “a hook portion 26b hooked to the second pin 28 of the pedal arm 20.” The Examiner also admitted that Kentaro teaches only one pin 28 on the pedal arm 20.

That is to say, the alleged hook portion 26b is “hooked to” the pin 28 around which the pedal arm 20 rotates. This is the only connection between the alleged lever 26 and the pedal arm 20.

The pedal arm 20, then, does not rotate by torque transferred from the alleged lever 26. Any force transferred between the alleged lever 26 and the pedal arm 20 happens at the center of the pedal arm’s rotation, and thus it is not torque.

It is Applicant’s understanding that Kentaro’s element 26 merely pulls the entire pedal arm 20 to the right in the drawings. This rightward movement provides enough space for the pedal arm 20 to rotate clockwise by torque transferred from the driver’s foot, not from element 26. Kentaro thus cannot be construed as teaching “a lever...causing the pedal arm to rotate...by torque transferred from the lever” (claim 1, lines 6-9, emphasis added). Claim 1, as well as its dependents, claims 3-6, is thus patentable over Kentaro.

**The §102(b) rejection: claim 7**

In the rejection of claim 7, the Examiner referred to Kentaro as allegedly teaching “the lever 26...pivots such that the first end pulls the pedal arm 20 to a retracted position.” As set forth above, pedal arm 20 is moved to its retracted position by the driver’s foot, not by element 26. Any change in position of the pedal arm 20 that is a result of element 26 is not to a retracted position, but, as set forth above, is to the right in the figures, toward the inside of the passenger compartment. Claim 7, as well as its dependent, claim 8, is thus patentable over Kentaro.

**The §103(a) rejection: claims 1 and 7**


Gaetano does not teach or suggest a lever causing the pedal arm to rotate in a direction of the front of the vehicle by torque transferred from the lever, nor does it teach or suggest the lever pivots such that the first end pulls the pedal arm to a retracted position, as set forth in the appeal brief of April 3, 2006. The Examiner withdrew the §102(b) rejections under Gaetano in response to the appeal brief, and has now only relied on Gaetano for a showing of a pedal arm with first and second pins. Kentaro and Gaetano, alone or in combination, fail to teach or suggest the claim limitations set forth above, and for at least this reason, all pending claims are patentable over the combination of Kentaro and Gaetano.

**Conclusions**

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter, or credit any overpayment, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060944-0183).

Respectfully submitted,



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